

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

CHRISTEN LANE,

Plaintiff,

v.

DAVID MCDONALD, *et al.*,

Defendants.

No. 1:16-cv-87-TRM-SKL

ORDER

Before the Court is Plaintiff's first motion for leave to amend her complaint pursuant to Federal Rules of Civil Procedure 15 and E.D. Tenn. L.R. 15.1 [Doc. 13]. Plaintiff's attached proposed first amended complaint does not state any claims against David McDonald and Diane McDonald individually, stating only that they "are the two members of the Company." The proposed first amended complaint further states that "[t]he Company is referred to in this complaint as 'Defendant'" and the sole Defendant named in the proposed first amended complaint is Lift 1428, LLC [Doc. 13-1]. Defendants David McDonald, Diane McDonald, and Lift 1428, LLC filed a response to Plaintiff's motion to amend complaint which includes a motion to amend caption stating that the proposed first amended complaint removes any claims against David McDonald and Diane McDonald but fails to remove David McDonald and Diane McDonald from the caption of the case as listed on the proposed first amended complaint [Doc. 13-1] and asks that David McDonald and Diane McDonald both be removed from the caption of the case as reflected in the body of the proposed first amended complaint [Doc. 15]. The response and motion of the Defendants does not explicitly state that they have no opposition to the motion to amend complaint other than their request to remove David and Diane McDonald

from the caption. The Court construes the response and motion as indicating Defendants do not oppose the motion to amend complaint.

Accordingly, Plaintiff's motion for leave to amend her complaint [Doc. 13] is **GRANTED** and Plaintiff shall file her first amended complaint within **ten days** of the entry of this order. The Plaintiff shall further revise her first amended complaint [Doc. 13-1] and remove the names of David McDonald and Diane McDonald from the caption of the first amended complaint. The Clerk is **DIRECTED** to revise the docket to reflect the amendment of the caption of the case upon the filing of the first amended complaint and any further pleadings in this matter shall be filed with the amended caption reflecting the only remaining Defendant as Lift 1428, LLC.

SO ORDERED.

ENTER.

s/ Susan K. Lee

SUSAN K. LEE

UNITED STATES MAGISTRATE JUDGE